

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America, ) No. CR 08-01350-PHX-FJM  
vs. )  
Plaintiff, ) FINDINGS AND RECOMMENDATION  
vs. ) OF THE MAGISTRATE JUDGE  
Peter Stuart Lebsack, ) UPON AN ADMISSION AND ORDER  
Defendant. )

TO THE HONORABLE FREDERICK J. MARTONE, UNITED STATES DISTRICT JUDGE:

Upon Defendant's request to enter an admission to the violation(s) of supervised release pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, this matter was referred by the District Court and came on for a hearing before United States Magistrate Judge Steven P. Logan on March 16, 2012, with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States of America.

In consideration of that hearing and the statements made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant,

**I FIND** as follows:

- (1) that the Defendant is competent to admit the violation(s);
  - (2) that the Defendant understands the right to an evidentiary hearing and has knowingly and voluntarily waived the right to that hearing;

(3) that the Defendant understands the sentencing options the Court may impose as a result of the admission;

(4) that the Defendant understands the nature of the allegations;

(5) that the Defendant has admitted to having committed the violation(s) of supervised release as alleged in the petition(s);

(6) that there is a factual basis for the Defendant's admission;

(7) that the Defendant is satisfied with counsel's representation; and

(8) that the admission by Defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises between the parties.

**I RECOMMEND** that the Court accept the Defendant's admission of the violation(s) of supervised release.

## ORDER

**IT IS ORDERED** that any objection to the admission to a violation of supervised release proceedings and any request for supplementation of those proceedings be made by the parties in writing and shall be specific as to the objection or request made. All objections or requests for supplementation shall be filed within fourteen (14) days of the date of service of a copy of these findings unless extended by an Order of the assigned District Judge.

**IT IS FURTHER ORDERED** that any letters, documents, or other matters Defendant would like the sentencing District Judge to consider before sentencing (including the English translation of any writings not in English) must be submitted in paper form with the original to the probation office and copies to the sentencing District Judge and opposing counsel no later than seven (7) business days prior to the sentencing date or they may be deemed untimely by the sentencing District Judge and not considered.

**IT IS FURTHER ORDERED** that any motions for upward or downward departures or any sentencing memoranda must be filed at least seven (7) business days prior to the sentencing date. Responses are due three (3) business days prior to the

1 sentencing date. Any motion to continue sentencing must be filed promptly upon  
2 discovery of the cause for continuance and must state the cause with specificity. Motions  
3 to continue sentencing filed less than fourteen (14) days before sentencing are disfavored.

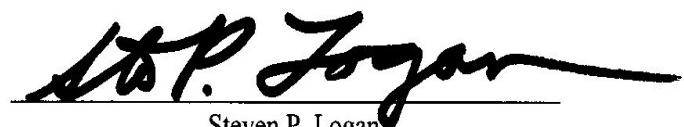
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5 Dated this 19th day of March, 2012.

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9 Steven P. Logan

10 United States Magistrate Judge

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